

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL 2724
16-MD-2724**

THIS DOCUMENT RELATES TO:

**HON. CYNTHIA M. RUFÉ
Individual Case No. 20-3367**

*Rite Aid Corporation et al v. Actavis Holdco
U.S., Inc, et al*

ORDER

AND NOW, this 19th day of January 2021, upon consideration of the attached Joint Stipulation to Waive Service and Extend the Deadline for Defendants to Respond to the amended complaint filed by Rite Aid Corporation and Rite Aid Hdqtrs. Corp. on December 15, 2020, it is hereby **ORDERED** that the Stipulation is **APPROVED**.

It is so **ORDERED**.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

*Rite Aid Corporation et al v. Actavis Holdco
U.S., Inc, et al*

**MDL 2724
16-MD-2724**

HON. CYNTHIA M. RUFÉ

Individual Case No.: 2:20-cv-03367-CMR

**JOINT STIPULATION TO WAIVE SERVICE AND EXTEND THE DEADLINE
FOR DEFENDANTS TO RESPOND TO RITE AID'S AMENDED COMPLAINT**

WHEREAS, Plaintiffs Rite Aid Corporation and Rite Aid Hdqtrs. Corp. (collectively, "Rite Aid") filed a Complaint on July 9, 2020, in *Rite Aid Corporation et al v. Actavis Holdco U.S., Inc, et al*, Case No. 2:20-cv-03367-CMR ("Rite Aid's July 9, 2020 Complaint"), which appears as a related case in *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, Case No. 16-md-02724-CMR, MDL No. 2724;

WHEREAS, Rite Aid filed an Amended Complaint on December 15, 2020;

WHEREAS, by a stipulation So Ordered by the Court on July 28, 2020 ("July 28, 2020 Stipulation"), Defendants Actavis Holdco U.S., Inc.; Actavis Pharma, Inc.; Alvogen, Inc.; Amneal Pharmaceuticals, Inc.; Apotex Corp.; Aurobindo Pharma USA, Inc.; Breckenridge Pharmaceutical, Inc.; Camber Pharmaceuticals, Inc.; Citron Pharma, LLC; Dr. Reddy's Laboratories, Inc.; Emcure Pharmaceuticals, Ltd.; Epic Pharma, LLC; Fougera Pharmaceuticals Inc.; Glenmark Pharmaceuticals Inc., USA; Greenstone LLC; G&W Laboratories, Inc.; Heritage Pharmaceuticals Inc.; Impax Laboratories, Inc.; Lannett Company, Inc.; Lupin Pharmaceuticals, Inc.; Mayne Pharma Inc.¹; Morton Grove Pharmaceuticals, Inc.; Mylan N.V.; Mylan Pharmaceuticals Inc.; Mylan, Inc.; Oceanside Pharmaceuticals, Inc.; Par Pharmaceutical, Inc.; Perrigo New York, Inc.; Pfizer Inc.; Pliva, Inc.; Sandoz Inc.; Sun Pharmaceutical Industries, Inc.; Taro Pharmaceuticals U.S.A., Inc.; Teligent, Inc.; Teva Pharmaceuticals USA, Inc.; UDL

¹ Counsel for Mayne Pharma Inc. has represented that Mayne Pharma USA, Inc. does not exist and should not have been named as a defendant in this action. It is thus accepting service on behalf of the correct entity.

Laboratories, Inc.; Upsher-Smith Laboratories, LLC; Valeant Pharmaceuticals North America, LLC; Valeant Pharmaceuticals International; West-Ward Pharmaceuticals Corp.; Wockhardt USA LLC; and Zydus Pharmaceuticals (USA) Inc. (collectively the “Previously Waiving Defendants”) agreed to waive service of Rite Aid’s July 9, 2020 Complaint;

WHEREAS, the July 28, 2020 Stipulation adjourned the deadline for the Previously Waiving Defendants to move against, answer, or otherwise respond to Rite Aid’s July 9, 2020 Complaint until such time as the Court orders;

WHEREAS, Rite Aid added the following defendants in the December 15, 2020 Amended Complaint and the following defendants have agreed to waive service of the December 15, 2020 Amended Complaint: Amneal Pharmaceuticals, LLC; Generics Bidco I, LLC; Hikma Labs Inc.; Hikma Pharmaceuticals USA, Inc.; Jubilant Cadista Pharmaceuticals, Inc.; Strides Pharma, Inc.; Torrent Pharma Inc.; and West-Ward Columbus Inc (collectively “Waiving Defendants”) (Waiving Defendants and Previously Waiving Defendants are collectively the “Stipulating Defendants”);

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the undersigned counsel, on behalf of the parties, as follows:

1. The Waiving Defendants waive service of Rite Aid’s December 15, 2020 Amended Complaint and Summonses pursuant to Federal Rule of Civil Procedure 4(d), and this Stipulation shall be deemed proof of that waiver pursuant to Federal Rule of Civil Procedure 4(d)(4).

2. The deadline for the Stipulating Defendants to respond to Rite Aid’s December 15, 2020 Amended Complaint is ADJOURNED until such time that the Court enters a Case Management Order setting such a schedule.

3. This stipulation does not constitute a waiver by the Stipulating Defendants of any defense, including but not limited to those defenses provided under Federal Rule of Civil Procedure 12.

IT IS SO STIPULATED.

Dated: January 15, 2021

/s/ Eric L. Bloom

Eric L. Bloom
Monica L. Kiley
HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER
2805 Old Post Road, Suite 100
Harrisburg, PA 17110-3676
(717) 364-1030
ebloom@hangley.com
mkiley@hangley.com

Barry L. Refsin
Alexander J. Egerváry
Chelsea M. Nichols
Caitlin V. McHugh
HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER
One Logan Square, 27th Floor
Philadelphia, PA 19103-6910
(215) 568-6200
brefsin@hangley.com
aegervary@hangley.com
cnichols@hangley.com
cmchugh@hangley.com

***Counsel for Rite Aid Corporation and Rite
Aid Hdqtrs. Corp***

/s/ Jan Levine

Jan P. Levine
Troutman Pepper Hamilton Sanders LLP
3000 Two Logan Square
Eighteenth & Arch Streets
Philadelphia, PA 19103-2799
Tel: (215) 981-4000
Fax: (215) 981-4750
jan.levine@troutman.com

/s/ Sheron Korpus

Sheron Korpus
KASOWITZ BENSON TORRES LLP
1633 Broadway
New York, New York 10019
Tel: (212) 506-1700
Fax: (212) 506-1800
skorpus@kasowitz.com

/s/ Devora W. Allon

Devora W. Allon, P.C.
Kirkland & Ellis LLP
601 Lexington Avenue
New York, New York 10022
(212) 909-3344
devora.allon@kirkland.com
alexia.brancato@kirkland.com

/s/ Sarah F. Kirkpatrick

Sarah F. Kirkpatrick
Williams & Connolly LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
Phone: (202) 434-5000
Fax: (202) 434-5029
skirkpatrick@wc.com

/s/ Chul Pak

Chul Pak
WILSON SONSINI GOODRICH & ROSATI
Professional Corporation
1301 Avenue of the Americas, 40th Fl.
New York, NY 10019
Tel: (212) 999-5800
Fax: (212) 999-5899
cpak@wsgr.com

Liaison Counsel for Defendants

